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## BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

## COMMISSIONERS

SEP 21 2006

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MIKE GLEASON  
KRISTIN K. MAYES  
BARRY WONG

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION OF  
CHARLES FORTIER dba A BETTER PAYPHONE  
CO. FOR A CERTIFICATE OF CONVENIENCE  
AND NECESSITY TO PROVIDE CUSTOMER-  
OWNED PAY TELEPHONE SERVICE IN THE  
STATE OF ARIZONA.

DOCKET NO. T-20447A-06-0160

DECISION NO. 68967ORDER

Open Meeting  
September 19 and 20, 2006  
Phoenix, Arizona

## BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On March 13, 2006, Charles Fortier dba A Better Payphone Co. ("Applicant") filed with the Commission an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. On March 27, 2006, the Utilities Division ("Staff") issued a Letter of Insufficiency and First Set of Data Requests to Applicant.

3. On July 13, 2006, Staff issued a Letter of Administrative Completeness in this docket.

4. On August 4, 2006, Staff filed a Staff Report recommending approval of the application.

5. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

6. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

7. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes

1 rates and minimum service standards applicable to COPT service.

2 8. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT  
3 Certificates without a hearing.

4 9. Applicant has requested that a Certificate be granted and has indicated that it will  
5 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

6 10. Staff stated that the Applicant has provided a copy of its customer information placard  
7 in compliance with the Generic Tariff.

8 11. Staff also stated that certain benefits accrue to the public in the form of increased pay  
9 telephone availability and that issuance of a Certificate is in the public interest.

10 **CONCLUSIONS OF LAW**

11 1. Applicant is a public service corporation within the meaning of Article XV of the  
12 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

13 2. The Commission has jurisdiction over Applicant and the subject matter of the  
14 application.

15 3. The provision of COPT service in Arizona by Applicant is in the public interest.

16 4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service  
17 in Arizona.

18 5. Staff's recommendation is reasonable and should be adopted.

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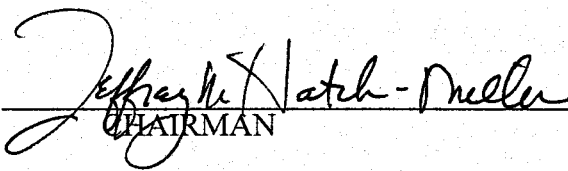
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**ORDER**

IT IS THEREFORE ORDERED that the Application of Charles Fortier dba A Better Payphone Co. for a Certificate of Convenience and Necessity for authority to provide customer-owned pay telephone service in Arizona shall be, and the same is, hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

  
CHAIRMAN

  
COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 21<sup>st</sup> day of Sept., 2006.

  
BRIAN C. McNEIL  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

AB:mj

SERVICE LIST FOR:

CHARLES FORTIER dba A BETTER PAYPHONE  
CO.

DOCKET NO:

T-20447A-06-0160

Charles Fortier  
24741 Via Del Rio  
Lake Forest, CA 92630

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007